

REMARKS

Please reconsider this application in view of the above amendments and the following remarks. The Office Action states that Claims 1-25 are pending and Claims 1-25 are rejected. However, Applicant's attorney pointed out to Examiner on the telephone on June 13, 2006 that Claims 1-39 were pending in the previous office action and Claims 26-39 have not been canceled. Examiner stated he did not know why Claims 26-39 were not indicated as pending.

- Claims 1-25 and 27-39 are pending.
- Claims 1-25 are rejected.
- Claim 26 is canceled.
- Claims 1 and 21 have been amended.

Rejections under 35 U.S.C. § 102

The Examiner has rejected Claims 1-25 under 35 U.S.C. section 102(e) as being anticipated by Mehta et al. (US 2002/0051845). Applicant respectfully disagrees.

Claim 1 recites the feature "adjusting the pressure of the chamber to a pressure greater than ambient pressure such that the medical device has a smoother coating surface, wherein the pressure in the chamber is less than the critical pressure of the gas before and during adjusting the pressure."

Mehta et al teaches "contacting the stent or other medical device with a liquid coating solution ... under super critical temperature and pressure." (Mehta et al., paragraph 0008). Thus, Mehta et al. do not teach or suggest the above-mentioned feature of Claim 1. Therefore, Claim 1 is patentably allowable. Claims 2-9 depend from Claim 1 and are allowable for at least the same reason that Claim 1 is allowable.

Claim 10 recites the feature "adjusting the pressure of the chamber to a pressure less than ambient pressure." The Examiner states that "the pressure is taught to be 70 to 25 bars (paragraph 36)." These pressures are above ambient pressure. Therefore, Mehta et al. do not

teach or suggest the above-mentioned feature of Claim 10. Claims 11-20 depend from Claim 10 and are allowable for at least the same reason that Claim 10 is allowable.

Claim 21 recites the feature “wherein the act of applying comprises spraying the composition on the implantable device.” Mehta et al. teach “reducing the pressure and/or pressure conditions to subcritical” from supercritical conditions “to deposit a thin film of coating.” (Paragraph 0009). Mehta et al do not teach or suggest application of a coating by spraying. Thus, Mehta et al. do not teach or suggest the above-mentioned feature of Claim 21. Therefore, Claim 21 is patentably allowable. Claims 22-25 depend from Claim 21 and are allowable for at least the same reason that Claim 21 is allowable.

Applicant respectfully requests removal of the rejections of Claims 1-25.

Double Patenting

Claims 1-3, 5-12, and 14-18 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3, 5-7, and 9-10 of U.S. Patent No. 6,743,462. Applicants have enclosed a Terminal Disclaimer. Applicant respectfully requests removal of this rejection.

Claims 27-39

Claims 27-39 have not been rejected or objected to. Applicant respectfully requests allowance of Claims 27-39.

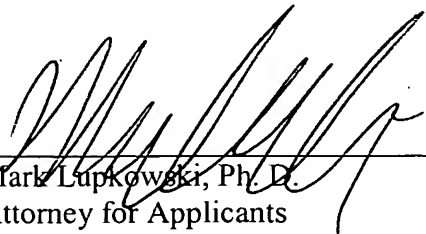
Since all claims are allowable, please issue a Notice of Allowability directed at these claims.

If I can be of any help, please contact me.

Respectfully submitted,

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